

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA

Plaintiff,

v.

CLYDE ALLEN VINCENT,

Defendant.

Case No. 20-cr-40048-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the Government's motion to dismiss (Doc. 66) the motion filed by defendant Clyde Allen Vincent for compassionate release pursuant to the First Step Act of 2018, Pub. L. No. 115-391, § 603(b)(1), 132 Stat. 5194, 5239 (2018) (codified at 18 U.S.C. § 3582(c)(1)(A)) (Doc. 63). The Government argues that Vincent has failed to exhaust his administrative remedies before filing his motion. Vincent has not responded to the motion.

Before moving for compassionate release in a United States District Court, a defendant must either (1) "fully exhaust[] all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf," or (2) wait "30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier." 18 U.S.C. § 3582(c)(1)(A)).

There is no evidence, or even an allegation, in the record that Vincent exhausted his administrative remedies before filing his motion for compassionate release. The Court further takes his silence in response to the Government's motion as an admission that there is no such evidence because he did not exhaust his administrative remedies. The Court therefore **GRANTS** the Government's motion to dismiss (Doc. 66) and **DISMISSES** Vincent's motion for compassionate release **without prejudice** to another motion after exhaustion as set forth in 18 U.S.C. § 3582(c)(1)(A) (Doc. 63).

IT IS SO ORDERED.

DATED: February 20, 2024

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE